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John L. Rogitz Rogitz & Associates Suite 3120 750 B Street San Diego, CA 92101			ART UNIT 2189	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/674,081	NEW ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	B. James Peikari	2189	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 23 July 2007.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-4,6-13,15,16 and 18-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4,6-13,15,16 and 18-25 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 6/13/07 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

**DETAILED ACTION**

In view of the appeal brief filed on July 23, 2007, PROSECUTION IS HEREBY REOPENED. New grounds of rejection in response to the amendment of June 13, 2007 are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

***Drawings***

1. The drawings are objected to because the view numbers are not in accordance with 37 CFR 1.84(u)(1). The views should be numbered "FIG. 1", "FIG. 2", "FIG. 3" and "FIG. 4", respectively.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the RAID system and

RAID controller as recited in claims 9 and 18-25 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings were not amended by applicant to include the RAID system and RAID controller as recited in claims 9 and 18-25. Applicant's argument that an illustration of the claimed RAID system would be identical to figure 1 except that the "HDD controller" would be a "RAID controller" is not found to be persuasive as the RAID system of claim 18 includes features not included in figure 1 such as multiple disk drives, a controller for each disk drive, and a RAID controller separate from the controllers for each disk drive.

3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Double Patenting***

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Omum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claim 18 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 9 of copending Application No. '093 in view of Rosenblum et al. ("The Design and Implementation of a Log-Structured File System", 1991, hereafter Rosenblum) and Holland et al. (US Pat. 5,367,669, hereafter Holland).

This is a provisional obviousness-type double patenting rejection.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the copending claims anticipate the instant claims. A later patent claim is not patentably distinct from an earlier patent claim if the later claim is obvious over, or anticipated by, the earlier claim. In re Longi, 759 F.2d at 896, 225 USPQ at 651 (affirming a holding of obviousness-type double patenting because the claims at issue were obvious over claims in four prior art patents); In re Berg, 140 F.3d at 1437, 46 USPQ2d at 1233 (Fed. Cir. 1998) (affirming a holding of obviousness-type double patenting where a patent application claim to a genus is anticipated by a patent claim to a species within that genus). ELI LILLY AND COMPANY v BARR LABORATORIES, INC., United States Court of Appeals for the Federal Circuit, ON PETITION FOR REHEARING EN BANC (DECIDED: May 30, 2001).

Claim 9 of '093 shows all the limitations of claim 18 of the instant application except a log-structure file-system for storing files and a RAID system with a RAID controller coupled to each disk.

Rosenblum shows a log-structured file system for storing files (page 3, left hand column, lines 36-41 through right hand column, lines 1-2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the log-structured file system of Rosenblum in the disk storage system of '093, since this would have achieved faster file writing and crash recovery (page 1, left hand column, lines 4-7 and page 9, right hand column, lines 14-30).

Holland shows a RAID system including a RAID means for controlling (RAID controller 8) (figure 1 and column 2, lines 66-68 through column 3, lines 1-6) and a plurality of hard disk drives (hard disk drive array) with the RAID controller being coupled to each of the disk drives (figure 1 and column 2, lines 43-51).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a RAID means for controlling and RAID system as taught by Holland using the disk system taught by the combination of claim 9 of '093 and Rosenblum in the RAID configuration, since this would have enabled recovery of information stored on a disk in the event of a disk drive failure (column 1, lines 29-31).

#### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-4 and 6-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The language "A cumulative ECC parity state between successive partial writes of an ECC block is retained" is vague and unexplained either in the context of the claims or in the specification. It is unclear how a "state" can be "cumulative".

In the specification, there are only two places where ECC is mentioned.

In the first full paragraph of page 4, "A cumulative ECC parity state between successive partial writes of an ECC block is retained". Since this language is repeated verbatim in claim 1, page 4 provides that antecedent basis, however, there is no further explanation of what it actually means.

In the third full paragraph on page 5, is written, "large error correction (ECC) block sizes within each segment (band) are implemented by storing the intermediate ECC parity state after each partial write of an ECC block". This language teaches that only *intermediate* parity states are stored after partial writes. There is no mention of any accumulation and/or summation of states that would lead to "A cumulative ECC parity state".

#### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 1, 2, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu et al. (US PGPub. 2002/0071198, hereafter Liu) in view of Rosenblum in view of Asano et al. (US PGPub 2003/0147167, hereafter Asano).

(A) Regarding claim 1, Liu shows a hard disk drive (HDD) comprising:  
at least one rotatable disk (page 3, right hand column, lines 26-28);  
at least one write element (transducer) configured for writing data to the disk (page 3, right hand column, lines 28-30) in isolated tracks (page 6, right hand column, lines 8-13) and in bands, wherein at least two tracks establish a band (plurality of adjacent tracks) (page 6, left hand column, lines 35-52); and  
at least one HDD controller controlling the write element (page 7, paragraph 73), wherein segments of data (grouping of data written sequentially) corresponds to a respective band or respective isolated track (page 6, paragraph 67 and paragraph 70) and an embedded file system is used in reading and writing data (page 6, paragraph 69).

However, Liu does not disclose the file system being a log-structured file system with segments.

Rosenblum shows a log-structured file system (page 3, left hand column, lines 36-41 through right hand column, lines 1-2) wherein the file system defines segments for writing groupings of sequential data (page 4, right hand column, lines 14-19).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the log-structured file system of Rosenblum

in the disk storage system of Liu such that each segment corresponds to an isolated track or a band of tracks in order to achieve faster file writing and crash recovery (page 1, left hand column, lines 4-7 and page 9, right hand column, lines 14-30).

However, the combination of Liu and Rosenblum does not show the use of error correction code.

Asano discloses, in a magnetic disk storage system wherein data is written one sector at a time (page 3, paragraph 28), using an error correction code (ECC) block size larger than a physical sector size of the disk, a cumulative ECC parity state between partial writes of an ECC block being retained (page 8, paragraphs 107 and 108).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ECC structure and operations of Asano in the disk system of the combination of Liu and Rosenblum such that the log-structured file system uses the error correction code, since this would have provided protection against burst errors and random errors without incurring the delays of read-modify-write operations when sequentially writing large amounts of data (Asano, page 8, paragraph 107).

(B) Regarding claim 2, the combination of Liu, Rosenblum, and Asano teaches all the limitations of claim 1 as shown above, and Liu shows that at least some bands include at least three contiguous tracks (figure 13 and paragraph 68).

(C) Regarding claim 4, the combination of Liu, Rosenblum, and Asano teaches all the limitations of claim 1 as shown above, and Liu discloses that the tracks within a band (data block) are shingled (figure 13 and page 6, paragraph 68).

10. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Liu, Rosenblum, and Asano as applied to claim 1 above, and further in view of Payne et al. (US Pat. 6,212,047, hereafter Payne).

Regarding claim 3, the combination of Liu, Rosenblum, and Asano teaches all the limitations of claim 1 as shown above but does not disclose the write element being configured for perpendicular recording.

Payne shows a magnetic disk system wherein the write element is configured for perpendicular recording (column 3, lines 45-62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the configuration of the write element for perpendicular recording as taught by Payne in the disk system of the combination of Liu, Rosenblum, and Asano in order to achieve high density storage with good stability on magnetic disk storage (Payne, column 2, lines 3-11).

11. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Liu, Rosenblum, and Asano as applied to claim 1 above, and further in view of Ono et al. (US Pat. 5,872,905, hereafter Ono).

(A) Regarding claim 6, the combination of Liu, Rosenblum, and Asano teaches all the limitations of claim 1 as shown above, and Liu shows shingled track writing (page 6, left hand column, lines 35-45). However, the combination of Liu,

Rosenblum, and Asano does not disclose using a virtual address table when writing to the disk.

Ono teaches using a virtual address table (translation table) for accessing a magnetic disk wherein a virtual sector is assigned a replacement sector when a sector originally mapped to the virtual sector is corrupted (column 17, lines 34-44).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the virtual address table of Ono in the disk writing procedure of the combination of Liu, Rosenblum, and Asano, since this would have maintained the integrity of the data being stored on a magnetic disk storage apparatus without complicating the logic of the devices accessing the storage apparatus (Ono, column 17, lines 41-50).

(B) Regarding claim 7, the combination of Liu, Rosenblum, Asano, and Ono teaches all the limitations of claim 6 as shown above, and Ono shows that the VAT (translation table) maps virtual sector locations to actual sector locations (column 17, lines 26-40).

(C) Regarding claim 8, the combination of Liu, Rosenblum, Asano, and Ono teaches all the limitations of claim 6 as shown above, and Ono discloses that the VAT is stored in a location on the disk (column 17, lines 34-40). Furthermore, Liu shows that the storage locations on the disk consist of a region with non-overlapping tracks where random access writes can be performed, and a region with shingled written bands (page 6, paragraph 67). Additionally, Rosenblum shows that storage operations use a

log structured approach (page 3, left hand column, lines 36-41 through right hand column, lines 1-2).

12. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Liu, Rosenblum, Asano, and Ono as applied to claim 6 above, and further in view of Holland et al.

Regarding claim 9, the combination of Liu, Rosenblum, Asano, and Ono teaches all the limitations of claim 6 as shown above, and remapping sectors as required by an access to the disk (Ono, column 17, lines 34-44) wherein accessing the disk includes shingled track writing (Liu, page 6, left hand column, lines 35-45). However, the combination of Liu, Rosenblum, Asano, and Ono does not teach the hard disk being part of a RAID system.

Holland shows a RAID system including a RAID controller (figure 1 and column 2, lines 66-68 through column 3, lines 1-6) wherein the RAID controller (I/O Process Manager software run on RAID controller) performs the logical to physical address translation for accesses to a hard disk (column 4, lines 57-61).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a RAID controller and system as taught by Holland using the disk system taught by the combination of Liu, Rosenblum, Asano, and Ono in the RAID configuration, since this would have enabled recovery of information stored on a disk in the event of a disk drive failure (column 1, lines 29-31).

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13. Claims 10, 11, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu in view of Rosenblum and Ono.

(A) Regarding claim 10, Liu shows a hard disk drive (HDD) comprising: disk means for storing data (page 3, right hand column, lines 26-28); means for writing data to the disk (transducer) (page 3, right hand column, lines 28-30) in tracks (page 6, right hand column, lines 8-13) and in bands, wherein at least two tracks establish a band (plurality of adjacent tracks) (page 6, left hand column, lines 35-52) and wherein at least some bands are shingled (page 6, paragraph 68); and means for controlling the means for writing (page 7, paragraph 73), wherein an embedded file system is used in reading and writing data (page 6, paragraph 69).

Liu also shows shingled track writing (page 6, left hand column, lines 35-45).

However, Liu does not disclose the file system being a log-structured file system.

Rosenblum shows the use of a log-structured file system for recording sequential data (page 3, left hand column, lines 36-41 through right hand column, lines 1-2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the log-structured file system of Rosenblum in the disk storage system of Liu, since this would have achieved faster file writing and crash recovery (Rosenblum, page 1, left hand column, lines 4-7 and page 9, right hand column, lines 14-30).

However, the combination of Liu and Rosenblum does not disclose using a virtual address table when writing to the disk.

Ono teaches using a virtual address table (translation table) for accessing a magnetic disk wherein a virtual sector is assigned a replacement sector (remapping) when a sector originally mapped to the virtual sector is corrupted (column 17, lines 34-44).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the virtual address table of Ono in the disk writing procedure of the combination of Liu and Rosenblum, since this would have maintained the integrity of the data being stored on a magnetic disk storage apparatus without complicating the logic of the devices accessing the storage apparatus (Ono, column 17, lines 41-50).

(B) Regarding claim 11, the combination of Liu, Rosenblum, and Ono teaches all the limitations of claim 10 as shown above, and Liu shows that at least some bands include at least three contiguous tracks (figure 13 and paragraph 68).

(C) Regarding claim 15, the combination of Liu, Rosenblum, and Ono teaches all the limitations of claim 10 as shown above, and Ono shows that the VAT (translation table) maps virtual sector locations to actual sector locations (column 17, lines 26-40).

(D) Regarding claim 16, the combination of Liu, Rosenblum, and Ono teaches all the limitations of claim 10 as shown above, and Ono discloses that the VAT is stored in a location on the disk (column 17, lines 34-40). Furthermore, Liu shows that the storage locations on the disk consist of a region with non-overlapping tracks where random access writes can be performed, and a region with shingled written bands (page 6, paragraph 67). Additionally, Rosenblum shows that storage operations use a

log structured approach (page 3, left hand column, lines 36-41 through right hand column, lines 1-2).

14. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Liu, Rosenblum, and Ono as applied to claim 10 above, and further in view of Payne.

Regarding claim 12, the combination of Liu, Rosenblum, and Ono teaches all the limitations of claim 10 as shown above but does not disclose the means for writing being configured for perpendicular recording.

Payne shows a magnetic disk system wherein the means for writing is configured for perpendicular recording (column 3, lines 45-62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the configuration of the means for writing for perpendicular recording as taught by Payne in the disk system of the combination of Liu, Rosenblum, and Ono, since this would have achieved high density storage with good stability on magnetic disk storage (Payne, column 2, lines 3-11).

15. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Liu, Rosenblum, and Ono as applied to claim 10 above, and further in view of Asano.

Regarding claim 13, the combination of Liu, Rosenblum, and Ono teaches all the limitations of claim 10 as shown above but does not show the use of error correction code.

Asano discloses, in a magnetic disk storage system wherein data is written one sector at a time (page 3, paragraph 28), using an error correction code (ECC) block size larger than a physical sector size of the disk, a cumulative ECC parity state between partial writes of an ECC block being retained (page 8, paragraphs 107 and 108).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ECC structure and operations of Asano in the disk system of the combination of Liu, Rosenblum, and Ono such that the log means uses the error correction code, since this would have provided protection against burst errors and random errors without incurring the delays of read-modify-write operations when sequentially writing large amounts of data (Asano, page 8, paragraph 107).

16. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu in view of Rosenblum and Holland.

(A) Regarding claim 18, Liu shows a hard disk drive comprising:  
at least one storage disk (page 3, right hand column, lines 26-28);  
at least one disk controller controlling reading data from and writing data to the disk (page 7, paragraph 73), wherein the drive controller writes data in shingled bands

(data groups) (page 6, paragraph 68) and an embedded file system is used in reading and writing data (page 6, paragraph 69).

However, Liu does not disclose the file system being a log-structured file system.

Rosenblum shows a log-structured file system (page 3, left hand column, lines 36-41 through right hand column, lines 1-2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the log-structured file system of Rosenblum in the disk storage system of Liu, since this would have achieved faster file writing and crash recovery (page 1, left hand column, lines 4-7 and page 9, right hand column, lines 14-30).

However, the combination of Liu and Rosenblum does not show a RAID system.

Holland shows a RAID system including a RAID means for controlling (RAID controller 8) (figure 1 and column 2, lines 66-68 through column 3, lines 1-6) and a plurality of hard disk drives (hard disk drive array) with the RAID controller being coupled to each of the disk drives (figure 1 and column 2, lines 43-51) wherein the RAID means for controlling (I/O Process Manager software run on RAID controller) performs the logical to physical address translation for accesses to a hard disk (column 4, lines 57-61).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a RAID means for controlling and RAID system as taught by Holland using the disk system taught by the combination of Liu and

Rosenblum in the RAID configuration, since this would have enabled recovery of information stored on a disk in the event of a disk drive failure (column 1, lines 29-31).

(B) Regarding claim 19, the combination of Liu, Rosenblum, and Holland teaches all the limitations of claim 18 as shown above, and Liu shows that at least some bands include at least three contiguous tracks (figure 13 and paragraph 68).

17. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Liu, Rosenblum, and Holland as applied to claim 19 above, and further in view of Payne.

Regarding claim 20, the combination of Liu, Rosenblum, and Holland teaches all the limitations of claim 19 as shown above but does not disclose the disk drives being configured for perpendicular recording.

Payne shows a magnetic disk system wherein a disk drive is configured for perpendicular recording (column 3, lines 45-62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the configuration of disk drives for perpendicular recording as taught by Payne in the RAID system of the combination of Liu, Rosenblum, and Holland, since this would have achieved high density storage with good stability on magnetic disk storage (Payne, column 2, lines 3-11).

18. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Liu, Rosenblum, and Holland as applied to claim 19 above, and further in view of Asano et al. (US PGPub 2003/0147167, hereafter Asano).

Regarding claim 21, the combination of Liu, Rosenblum, and Holland teaches all the limitations of claim 19 as shown above but does not show the use of error correction code.

Asano discloses, in a magnetic disk storage system wherein data is written one sector at a time (page 3, paragraph 28), using an error correction code (ECC) block size larger than a physical sector size of the disk, a cumulative ECC parity state between partial writes of an ECC block being retained (page 8, paragraphs 107 and 108).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ECC structure and operations of Asano in the disk system of the combination of Liu, Rosenblum, and Holland such that the log-structured file system uses the error correction code, since this would have provided protection against burst errors and random errors without incurring the delays of read-modify-write operations when sequentially writing large amounts of data (Asano, page 8, paragraph 107).

19. Claims 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Liu, Rosenblum, and Holland as applied to claim 19 above, and further in view of Ono.

(A) Regarding claim 22, the combination of Liu, Rosenblum, and Holland teaches all the limitations of claim 19 as shown above, and Liu shows shingled track writing (page 6, left hand column, lines 35-45). However, the combination of Liu, Rosenblum, and Holland does not disclose using a virtual address table when writing to the disk.

Ono teaches using a virtual address table (translation table) for accessing a magnetic disk wherein a virtual sector is assigned a replacement sector when a sector originally mapped to the virtual sector is corrupted (column 17, lines 34-44).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the virtual address table of Ono in the disk writing procedure of the combination of Liu, Rosenblum, and Holland, since this would have maintained the integrity of the data being stored on a magnetic disk storage apparatus without complicating the logic of the devices accessing the storage apparatus (Ono, column 17, lines 41-50).

(B) Regarding claim 23, the combination of Liu, Rosenblum, Holland, and Ono teaches all the limitations of claim 22 as shown above, and Ono shows that the VAT (translation table) maps virtual sector locations to actual sector locations (column 17, lines 26-40).

(C) Regarding claim 24, the combination of Liu, Rosenblum, Holland, and Ono teaches all the limitations of claim 22 as shown above, and Ono discloses that the VAT is stored in a location on the disk (column 17, lines 34-40). Furthermore, Liu shows that the storage locations on the disk consist of a region with non-overlapping tracks where

random access writes can be performed, and a region with shingled written bands (page 6, paragraph 67). Additionally, Rosenblum shows that storage operations use a log structured approach (page 3, left hand column, lines 36-41 through right hand column, lines 1-2).

(D) Regarding claim 25, the combination of Liu, Rosenblum, Holland, and Ono teaches all the limitations of claim 22 as shown above, and remapping sectors as required by an access to the disk (Ono, column 17, lines 34-44) wherein accessing the disk includes shingled track writing (Liu, page 6, left hand column, lines 35-45) and the RAID controller performs the logical to physical address translation for an access to a disk (Holland, column 4, lines 57-61).

### ***Response to Arguments***

20. Applicant's arguments filed with appeal brief of July 23, 2007 have been fully considered but they are not persuasive.

(A) On page 5 of the brief, applicant argues that since the previous Office action was signed by an SPE, reopening prosecution would be inappropriate, but fails to reference any statute, law or rule to support this assertion.

(B) The arguments in the brief contain such language as "all that appears by rationale ... is a weak reference", "Continuing with an exposition of the plucking of isolated unrelated teaches from the prior art that has characterized prosecution ...", "All the examiner has done is in effect lifted statements from the references extolling their

benefits", "the last-ditch allegations" or "an irrelevancy grounded in deep legal confusion".

However, harsh language is a poor substitute for substantive argument.

The analysis contained in the appeal brief contains a number of allegations that are incorrect. Applicant suggests that well known aspects of data processing systems such as log-structured files and virtual address tables were not, in fact, well known. However, applicant would be hard-pressed to find any desktop computer manufactured since the early 1980s that did not have a virtual address table. Log-structured file systems were all over the place at the time of the invention. Applicant's arguments set an impossible standard for obviousness, whereas the legal standard is whether a combination would have been obvious to one having ordinary skill in the art at the time the invention was made.

(C) A major portion of the argument is dedicated to the assertion that the Asano et al. reference is unable to teach certain aspects of the claims. Applicant states that Asano et al. does not mention parity and provides a very narrow technical definition of parity. To the contrary, *parity is a type of ECC*. In fact, parity might be the simplest example of ECC.

Furthermore, applicant has gone on the record with the suggestion that check bytes are not data bytes. However, all bytes are data bytes.

Finally, applicant says that Asano et al. does not teach that "a cumulative ECC parity state between successive partial writes of an ECC block is retained", but fails to state what that passage means or how a "state" could be "cumulative".

(D) On page 6, applicant states "on page 7 of the Office Action all that appears by way of rationale to combine the log structure of Rosenblum with Liu is a weak reference to portions of Rosenblum about faster file writing and crash recovery without ever discussing why the skilled artisan might believe that these features would be desired" but fails to provide any technical analysis to contradict the motivation to combine. As for whether these features were desired, faster operation and fault recovery were two of the three most important aspects of data processing system design (the third is cost). It is unreasonable to suggest that these were not desirable.

### ***Conclusion***

21. Applicant's amendment of June 13, 2007 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Peikari whose telephone number is (571) 272-4185. The examiner is generally available between 7:00 am and 7:30 pm, EST, Monday through Wednesday, and between 5:30 am and 4:00 pm on Thursday.

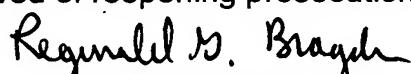
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Reginald Bragdon, can be reached at (571) 272-4204. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center at 866-217-9197 (toll-free).



B. James Peikari  
Primary Examiner  
Art Unit 2189  
2/3/08

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:



REGINALD BRAGDON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100